

**BOARD OF APPEALS  
for  
MONTGOMERY COUNTY**

**Stella B. Werner Council Office Building  
100 Maryland Avenue  
Rockville, Maryland 20850  
(240) 777-6600**

**WORKSESSION MINUTES**

**Second Floor Davidson Memorial Hearing Room**

**Wednesday, May 17, 2006, 9:30 a.m.**

**ACTION ITEMS:**

1. **Minutes**, May 3 and May 10, 2006 Worksessions.

Action: Approved, (WMH/AMC, 5-0).

2. **A-6098, Petition of Marc R. and Marianne H. Duffy** (new single-family dwelling). Letter to the Board from the petitioners requesting that the record be re-opened to accept new information. Also included is letter from David Brown, Esquire, in opposition to the request to re-open the record.

Action: (1) Re-opened the record to include Mr. and Mrs. Duffy's letter with the revised building permit denial and Mr. Brown's letter, (AMC/WMH, 4-1); (2) schedule new hearing date for the continuance of the public hearing for 6/7/06 @ 10.30 a.m., (CLH/AMC, 5-0). Staff to request that the Department of Permitting Services staff attend the public hearing.

3. **A-6120, Petition of Susan Schwartzbach** (existing two-story addition). Letter to the Board from Steven Robins, Esquire, and Martin Hutt, Esquire, requesting reconsideration and rehearing.

Action: (1) Granted request for reconsideration; (2) rehearing limited to whether Exhibit 5(e) illustrates the uniqueness of the lot, (DLB/WMH, 5-0).

4. **CBA-1199, Petition of Aspen Hill Swimming Pool, Inc.** (community swimming pool). Memorandum to the Board from Heather Gottke, Inspector, Department of Permitting Services (DPS), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is an excerpt from the Gazette Newspaper.

Action: Schedule Show Cause hearing for revocation of the special exception, (AMC/CLH, 5-0).

5. **CBA-2643, Petition of the Audubon Naturalist Society of the Central Atlantic States** (charitable and philanthropic institution). Letter to the Board from Neal Fitzpatrick, Executive Director, requesting an administrative modification.

Action: Item deferred for additional information from the special exception holder, consensus.

6. **S-1801, Petition of Helen K. Dyer** (accessory apartment). Memorandum to the Board from Wright Jolly, Jr., Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that special exception has been abandoned and requesting that it be revoked. Also included is a letter of confirmation from Dennis Dyer.

Action: Revoked the special exception as abandoned, (WMH/DLB, 5-0).

7. **S-1846, Petition of Karen J. Keefer** (accessory apartment). Letter to the Board from Dana Shields requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (AMC/CLH, 5-0).

8. **S-2564, Petition of Elizabeth D. Ellis** (accessory apartment). Letter to the Board from Mary Ann and Kent G. Huntington requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (DLB/CLH, 5-0).

9. **S-2598, Petition of Eliezer Trybuch** (non-resident medical practitioner). Letter to the Board from Michael R. Liebow, M.D., requesting a transfer of the special exception.

Action: Granted the transfer of the special exception, (WMH/DLB, 5-0).

#### **PENDING ITEMS:**

10. **A-6114, Appeal of Newland Communities LLC and NNP II – Clarksburg LLC** (Department of Fire and Rescue Services – Notice of Violation dated September 20, 2005). Joint Status Report and Motion to Stay from Todd Brown, Esquire; Joseph Lapan, Esquire; and Malcolm Spicer, Esquire. Also included is a letter from the Department of Fire and Rescue Services. (1) Granted continuance of the appeal until 10/26/06; (2) Board to receive status report in 90 days. [W/S 4/19/06].

11. **CBA-1203, Petition of Mariner Health of Maryland, Inc.** (nursing home). Letter to the Board from Stuart Barr, Esquire, requesting a transfer of the special exception and an administrative modification. (Large exhibits: lighting and photometric plan, survey, site plan). Item deferred for additional information, information should include a schedule of the generator operations. [W/S 2/22/06].

12. **CBA-1801, Petition of Shell Oil Company** (automobile filling station). Letter to the Board from Ramesh C. Bhalla requesting an administrative modification. Item deferred to a future Worksession. [W/S 6-8-05].

13. **CBA-2114-A [CBA-2114], Petition of International Monetary Fund** (golf course and country club). Letter to the Board from Jacqueline M. Karp, Esquire, requesting an administrative modification. (Large exhibits: location map, golf course site plans, elevations). Item deferred for a future Worksession. [W/S 5/4/05].

**PENDING ITEMS (continued):**

14. **S-390, Petition of Twin Farms Club, Inc.** (community swimming pool). Letter to the Board from Teresa A. McKenna, President, requesting an administrative modification. (Large exhibit: site and grading plan). (1) Item deferred for receipt of a site plan with the existing conditions; (2) item referred to M-NCPPC Technical Staff for review of administrative modification request. [W/S 2/18/04].

15. **S-684, Petition of Burkland Condominium Association, Inc.** (dental/medical clinic). Memorandum from Stanley N. Garber, Investigator, DPS, regarding the conditions of the Board's Resolution. (1) Re-opened the record to include Mr. Garber's memorandum; (2) Board to issue corrected Resolution; (3) an additional inspection of the special exception will be required. [W/S 7/13/05].

16. **S-961, Petition of William E. Wallace, Jr.** (accessory apartment). Memorandum to the Board from Jerri Burgess, Housing Code Inspector, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Item deferred for confirmation from DHCA that the accessory apartment has been abandoned. [W/S 2/8/06].

17. **S-1239, Petition of Ernestine and Jewel Johnson** (accessory apartment). Memorandum from John Whitt, Program Manager, Department of Housing and Community Affairs (DHCA), notifying the Board that the special exception has been abandoned and requesting that it be revoked. Also included is a letter from the petitioner requesting that the special exception be suspended and not revoked. Item deferred for confirmation that special exception holder resides in the house. [W/S 2/22/06].

18. **S-1365, Petition of Association for Women's Recovery Residence, Inc.** (group residential facility for exceptional persons). Letter to the Board from Tahira Azziz requesting a transfer of the special exception and an administrative modification. Item deferred for additional information. [W/S 2/22/06].

19. **S-2145, Petition of Southwestern Bell Mobile Systems, Inc.** (public utility buildings, public utility structures and telecommunications facilities). Letter to the Board from Brian Hurley, Regional Real Estate Manager, requesting a transfer of the special exception. Item deferred for future Worksession. [W/S 6/9/04].

20. **S-2423 [S-2423-A], Petition of Meadow Ridge Seniors' Villas, LLC** (elderly or handicapped housing). Letter to the Board from Randy Frey, President, and Robert H. Holman, Managing Member, requesting an administrative modification. [Large exhibits: landscaping and lighting plans]. (1) Deferred administrative modification request for 60 days; (2) administrative modification request reviewed by M-NCPPC Technical Staff. [W/S 12/7/05].

21. **S-2474, Petition of North Potomac Seniors' Housing, LLC** (housing and related facilities for the elderly and handicapped). Letter to the Board from Barbara Sears, Esquire, and Erin Girard, Esquire. Also included is a letter to the Board from Gopal Janardanan, President and Chief Executive Officer of the North Potomac Village Condominium Association. (1) Item deferred for future Worksession; (2) status report from Ms. Sears and Girard in 60 days. [W/S 3/22/06].

**PENDING ITEMS (continued):**

22. **S-2487, Petition of Orchard Development Corporation** (housing and related facilities for the elderly or handicapped). Letters to the Board from Scott Armiger, Vice President, requesting an administrative modification. (Large exhibits: landscape and lighting plan, as-built site plan and elevations). Item deferred for additional information. [W/S 12/7/05].

23. **S-2527, S2528, S-2529, Petition of Twin Ponds Farm, LLC** (wholesale horticultural nursery, landscape contractor, manufacture of mulch and compost). Letter of complaint from Robert A. Thomassen, Diane M. Hogan, John and Stephanie Egly, and Sugarloaf Citizens Association by Jane Hunter with a request that the Board convene a revocation hearing. Also included are letters from Erica Leatham, Esquire, requesting that the Board defer this request until its next Worksession. (1) Re-opened the record to include letters dated 4/21/06, 5/1/06, 5/5/06, 5/9/06 [is there more than 3 letter ?], (2) request inspection by the Department of Permitting Services (DPS) to determine where special exception stands in terms of its implementation. [W/S 5/10/06].

24. **S-2635, Petition of New Covenant Village, LLC** (housing and related facilities for senior adults). Letter to the Board from David Freishtat, Esquire, requesting an administrative modification. (Large exhibits: overall site plan, site plan, landscape plan). (1) Granted the administrative modification as revised; (2) Board to receive the revised plans from the petitioner. [W/S 3/8/06].

**Board Members**

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